

REMARKS

In the office action that was mailed June 29, 2007, claims 1, 2 and 4-20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent 6,771,951 to Leonetti. The claim rejections were made final because the Examiner considered the previous claim amendment by which the claims were amended to recite the computation and use of hash values, insufficient to overcome *Leonetti*, which does not even contain the word “hash.”

Independent claim 1 is an apparatus claim. It was previously amended to recite that a hash generator generates a hash value when the mobile node copy of the database is suspected of being out of synchronization with a network copy of the database. Claim 15 is a method claim. It was similarly amended to recite that a first hash value is generated when a network copy and a mobile copy of a database are suspected of being out of sync with each other.

In the applicant’s after-final response that was filed under 37 C.F.R. §1.116, it was pointed out to the Examiner that the word “hash” does not exist in *Leonetti*. It was also pointed out to the Examiner that *Leonetti* cannot possibly disclose a hash generator or hash values if the word “hash” cannot be found in the reference. Stated another way, it is impossible for *Leonetti* to anticipate the claims under controlling Federal Circuit case law.

In the Advisory Action that was mailed October 11, 2007, the Examiner maintained the final rejections of claims 1 and 15 stating therein:

“*Applicant’s* paragraph 0041 explicitly states that ‘the [claimed] apparatus includes a hash generator 58... functions performed by the hash generator include... computation of check sums...’ From this excerpt, (sic) it is reasonably interpreted that Applicant’s [claimed] ‘hash value’ can be properly construed as a check sum as it is computed from the hash generator.”
(Emphasis added.)

The Examiner’s rejection thus relies entirely on the text of paragraph [0041] of the applicant’s specification even though other paragraphs of the specification clearly distinguish hash values from check sums.

In view of Examiner’s stated reason for maintaining the final rejections, i.e., that applicant’s paragraph 0041 describes a hash generator that can compute both checksums and hash values, the applicant has amended specification paragraph [0041] as set forth above to

delete all mention of checksums being computed by the hash generator 48. The Examiner thus has no reason to construe the hash value limitation of claims 1 and 15 as including the checksums disclosed in *Leonetti*. Claims 1 and 15 should therefore be allowed.

Notwithstanding the impropriety of the Examiner's rejections under controlling case law, claims 1 and 15 have also been further amended to recite that the hash values are more "computationally intensive" than a checksum thereby further distinguishing hash values and checksums. Amended claims 1 and 15 thus explicitly avoid *Leonetti* because it is an indisputable fact that *Leonetti* does not disclose hash values to synchronize databases. *Leonetti* discloses only checksums.

Support for the amendments to claims 1 and 15 can be found in the text that has been deleted from paragraph [0041] by this amendment, but which was nevertheless *in the specification* when it was originally filed. Additional support for the amendment can be found in lines 24-2 of page 6. It is also well-known to all persons of ordinary skill in the art that a hash value is more computationally intensive to compute than a checksum. In addition to the explicit disclosures identified above, the subject matter added to claim 1 is also inherently disclosed through-out the specification.

The applicant re-asserts all of the arguments for allowance that were made in the last response and respectfully requests reconsideration of the pending claims in view of the above-identified amendment to the specification and to claims 1 and 15. The dependent claims are of course also in condition for allowance.

Respectfully submitted,

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